

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS IN RESPECT OF APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES

GENERAL POLICY

1. Each case will be decided on its own merits.
2. Committee may grant a licence to an applicant where it is felt that although these Guidelines suggest that an application should be refused, exceptional circumstances apply in a particular case. Thereafter, upon receipt of an application for the renewal of such a licence, the application may be dealt with by Officers under the Council's Scheme of Delegation UNLESS the applicant has been convicted of further offences following the grant of the licence.
3. The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 applies in respect of applications for Hackney Carriage and Private Hire Drivers' licences. The effect of this Order is to disapply the concept of spent convictions in respect of applicants for Hackney Carriage Drivers' and Private Hire Drivers' Licences.
4. The Committee must comply with the terms of the Local Government (Miscellaneous Provisions) Act 1976. It shall not grant a licence unless it is satisfied that the applicant is a fit and proper person.
5. The Committee expects high standards of behaviour, honesty and integrity of all licensed drivers. A serious view will be taken of convictions for offences involving dishonesty, indecency, violence, drunkenness, insurance offences and drug-related offences.
6. In general, where an applicant has been disqualified from driving, a period of 12 months should elapse after the restoration of the driver's licence before an application is approved.
7. Where an applicant has an impending prosecution, the application should be deferred until the decision of the Court is known. If the applicant requires the Committee to determine the application before the case is heard, the application should be refused.
8. Notwithstanding the provisions of paragraph 7 above, where evidence is submitted to the Committee, based on the personal observations of the Enforcement Officer, that an applicant has acted in contravention of the legislation relating to tax/private hire licensing, eg. that an applicant has acted as the driver of a hackney carriage or private hire vehicle without the necessary licence issued by the Council, or where an applicant has been prosecuted for such an offence, a period of 12 months, from the date of the alleged offence or the date of conviction, whichever is later, should elapse before an application is approved.

CONVICTIONS

a. Traffic Offences

Convictions for traffic offences should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification, then a period of 12 months should elapse after the restoration of the driver's licence before an application is approved.

b. Drunkenness

i) With Motor Vehicle

More than one conviction for this type of offence should raise grave doubts as to the applicant's fitness to hold a licence. Where an applicant has been convicted of more than one drink-related motoring offence, a period of 3 years should elapse (after the restoration of the driving licence) before an application is approved. If there is any suggestion that the applicant is an alcoholic, a special medical examination, at the applicant's expense, should be arranged by the Council before the application is considered. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before an application is approved.

ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating a special medical examination (see i) above).

c. Drugs

More than one conviction for this type of offence should raise grave doubts as to the applicant's fitness to hold a licence. Where an applicant has a conviction for a drug related offence, a period of 12 months from the date of conviction should elapse before an application is approved. Where an applicant has been convicted of more than one drug related offence, a period of 3 years should elapse before an application is approved. If there is any suggestion that the applicant is a drug addict a special medical examination, at the applicant's expense, should be arranged by the Council before the application is considered. If the applicant is found to be a drug addict a period of 5 years should elapse after treatment is complete before an application is approved.

d. Indecency Offences

Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, *or where a person is currently on the Sex Offenders Register* should be refused.

e. Violence

Applicants who have convictions for grievous bodily harm, wounding or *serious* assaults, should be refused.

f. Dishonesty

Applicants with convictions involving dishonesty should not be licensed until a period of five years has elapsed since the date of the conviction.

h. Insurance

An applicant with an insurance-related conviction in the last 12 months, which does not lead to disqualification, should not be licensed until the conviction is 1 year old.